

EXHIBIT A

From: David Straite <dstraite@dicellolevitt.com>
Sent: Tuesday, September 10, 2024 8:11 PM
To: Hartnett, Kathleen; Holden Benon; Stameshkin, Liz; Dunning, Angela L.; Ghajar, Bobby A.; Ghazarian, Colette A; Lauter, Judd; Biksa, Liene; Alvarez, Jessica; mlemley@lex-lumina.com; Weinstein, Mark; Poppell, Cole A
Cc: Joseph Saveri; Cadio Zirpoli; Aaron Cera; Margaux Poueymirou; Ashleigh Jensen; Rya Fishman; Matthew Butterick; Nada Djordjevic; James Ulwick; Bryan L. Clobes; Mohammed Rathur; Amy Keller; Christopher Young; Ruby Ponce; Alexander Sweatman; Heaven Haile; z/Meta-Kadrey
Subject: Re: Kadrey v. Meta: Briefing Schedules

[External]

35 depositions (or 180 hours of testimony) is proposed to be exclusive of 3d party depositions and 30b6.

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From: Hartnett, Kathleen <khartnett@cooley.com>
Sent: Tuesday, September 10, 2024 8:06:07 PM
To: David Straite <dstraite@dicellolevitt.com>; Holden Benon <hbenon@saverilawfirm.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com <mlemley@lex-lumina.com>; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>
Subject: RE: Kadrey v. Meta: Briefing Schedules

Thank you, David.

To be clear, are you proposing 35 party depositions, plus a Rule 30(b)(6) deposition, plus unlimited 3d party depositions, or are third parties within the 35? Likewise for the 180 hours, is that inclusive of all fact depositions (i.e., including 30b6 or third-party)?

Thanks,
Kathleen

From: David Straite <dstraite@dicellolevitt.com>
Sent: Tuesday, September 10, 2024 4:20 PM
To: Holden Benon <hbenon@saverilawfirm.com>; Hartnett, Kathleen <khartnett@cooley.com>; Stameshkin, Liz

<lstameshkin@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>

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[External]

Kathleen,

As you requested, plaintiffs anticipate seeking the following relief from Judge Hixson in the deposition-limit Joint Letter Brief.

Plaintiffs request an order pursuant to Rule 30(a)(2) expanding the number of party depositions to no more than 35 individuals (plus a Rule 30(b)(6) deposition of Meta, regardless of number of corporate designees), or in the alternative, 180 hours of testimony. In support of our request, we believe the following depositions are warranted although some could be removed depending on the testimony of earlier deponents; likewise, we reserve the right to name additional deponents as discovery warrants, so long as within any enlarged cap approved by the Court:

1. Depositions of Mr. Mihaylov and Ms. Kambadur, which are now on-calendar.
2. Depositions of the 11 other Meta employees identified by Meta in its amended disclosures:
 - a. H. Touvron
 - b. A. Rodriguez (whom we understand is a former employee, based on your Sept. 6 email)
 - c. S. Edunov
 - d. A. Acharya
 - e. J. Ginsberg
 - f. A. Fan
 - g. J. Pineau
 - h. M. Clark
 - i. A. Al-Dahle
 - j. C. Nayak
 - k. Y. LeCun
3. Deposition of 9 additional Meta employees:
 - a. A. Rao
 - b. E. Presani
 - c. E. Nho
 - d. L. Blecher
 - e. L. Zettlemoyer
 - f. N. Bashylkov
 - g. N. Deo
 - h. A. Bosenberg

- i. A. Kallet
4. Rule 30(b)(6) deposition of Meta.
5. In addition, while we don't believe that depositions of third parties taken pursuant to a Rule 45 subpoena count towards the limit in Rule 30, we have identified the following former employees, in addition to former employee A. Rodriguez listed in your amended disclosures and included above:
 - a. M. Chen
 - b. S. Zhang
 - c. G. Lample
 - d. X. Martinet
 - e. E. Grave
6. Finally, we will identify three individuals whom we may seek to depose, depending on the resolution of certain issues, which also supports our requested relief:
 - a. Third-party A. Biderman (EleutherAI);
 - b. Third-party T. Dettmers (former employee; pending appeal of priv dispute order); and
 - c. CEO M. Zuckerberg (pending resolution of any apex deposition issues).

We look forward to the mutual exchange of sections at or before 7pm PT tomorrow (Sept. 11).



David A. Straite, CIPP/US

DICELLO LEVITT LLP

646.933.1000 ext 505



From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Tuesday, September 10, 2024 7:04 PM

To: Hartnett, Kathleen <khartnett@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>

Subject: RE: Kadrey v. Meta: Briefing Schedules

Kathleen,

We're working to get you a statement of our requested relief momentarily, so that we may conduct the simultaneous exchange tomorrow.

Holden

From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Tuesday, September 10, 2024 2:31 PM

To: Holden Benon <hbenon@saverilawfirm.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>

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Thank you Holden.

We don't have a present understanding of what Plaintiffs intend to request as relief in this motion, and thus we cannot agree to exchange simultaneous drafts because we don't know what proposal we are responding to. Perhaps Plaintiffs can send their section tomorrow, and we can send back with our responsive section the following day?

Thanks,
Kathleen

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Tuesday, September 10, 2024 1:52 PM

To: Stameshkin, Liz <lstameshkin@cooley.com>; Hartnett, Kathleen <khartnett@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

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[External]

Thanks, Liz.

We need some time to discuss internally. I'm not sure we'll be able to provide a final iteration of our request for relief on depo limits by 4pm today, but we are looking into this and we will get back to you shortly.

From: Stameshkin, Liz <lstameshkin@cooley.com>

Sent: Tuesday, September 10, 2024 1:41 PM

To: Holden Benon <hbenon@saverilawfirm.com>; Hartnett, Kathleen <khartnett@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>

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Hi Holden,

Apologies – there was some confusion on our end as I was not included on the original thread and was added by Kathleen just now, but the proposals should be the same.

To that point, we have a list at Cooley that may alleviate inadvertent dropping of counsel on emails – if your team can use zmetakadrey@cooley.com (cc'd here) going forward, that will reach all appropriate Cooley personnel. Please continue to include Cleary and Lex-Lumina separately.

Best,

Liz

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Tuesday, September 10, 2024 1:36 PM

To: Hartnett, Kathleen <khartnett@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>
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Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>

Subject: RE: Kadrey v. Meta: Briefing Schedules

[External]

Kathleen,

Is this the same proposal that Collete sent this morning at 10:27? I was just getting around to reviewing that. If they differ, which proposal is operative?

Thank you,
Holden

From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Tuesday, September 10, 2024 1:31 PM

To: Holden Benon <hbenon@saverilawfirm.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>

Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>

Subject: RE: Kadrey v. Meta: Briefing Schedules

Holden,

As to Meta's Motion to Compel due today, 9/10 (#1 below), Meta is agreeable to the proposed schedule, with the additional condition that Plaintiffs provide any changes to their portion by 8:30pm on 9/10, assuming Meta makes substantive changes to its portion upon receipt of Plaintiffs' statement (which it would send by 6pm), and that the parties make their best efforts to file by 9:30pm after making any additional, final changes.

As to (#2), (#3), and (#4) below, Meta agrees with the proposal for the parties to simultaneously exchange draft statements for these motions at 7pm on 9/11, provided however that Plaintiffs must provide Meta with a list of the relief they are seeking in the "Motion re Depo Limits" **immediately, and in any event, no later than 4pm today, 9/10**. Throughout the course of the parties' discussion on this issue, Plaintiffs have been inconsistent as to the expanded limits they are seeking. We need to know what relief Plaintiffs will be seeking in order to prepare our portion of the brief. Please advise.

Meta agrees with the proposal that the parties simultaneously exchange revised statements at 4pm on 9/12 and then, upon reviewing those revised statements, to indicate whether the parties will make substantive changes to

their respective portions by 5pm on 9/12. However, any substantive changes cannot expand the scope of relief sought. By way of example, Plaintiffs could not revise their statement for (#2) to include a request for additional witnesses. We also propose that the parties send any substantive changes to their portions of these motions by 6:30pm on 9/12, and that the parties make their best efforts to file by 9:30pm after making any additional, final changes.

Below is the proposed schedule incorporating the above:

(1) Meta's Motion to Compel Responses to Certain Discovery Requests

- Due today, 9/10.
- Plaintiffs to circulate a draft at 3pm today. Meta may make substantive changes to its statement in response to Plaintiffs' statement or file today upon receipt. If Meta intends to make changes, it will so inform Plaintiffs by 4pm today, 9/10 and provide any substantive changes by 6pm. Plaintiff reserves the right to make substantive changes in light thereof, and will provide any such changes by 8:30pm on 9/10. Meta will file with consent from Plaintiffs. The parties will make their best efforts to file by 9:30pm after making any additional, final changes.

(2) Plaintiffs' Motion re Depo Limits, (3) Meta's Motion re RFP 1, and (4) Meta's Motion re Additional Correspondence with Mr. Heldrup Regarding the Subject Communications

- Due 9/12.
- Plaintiffs to provide a list of the relief they are seeking in (2) immediately, and no later than 4pm today, 9/10.
- The parties will simultaneously exchange draft statements at 7pm on 9/11. The parties will simultaneously exchange revised statements at 4pm on 9/12.
- Both parties reserve the right to make substantive changes in response to either party's revised statement, and they will state their intent to do so by 5pm on 9/12. However, any such substantive changes may not expand the scope of the relief sought. The parties will send any substantive changes to their portions of these motions by 6:30pm on 9/12.
- Plaintiffs will file (2) with consent from Meta.
- Meta will file (3) and (4) with consent from Plaintiffs.
- As to all three motions, the parties will make their best efforts to file by 9:30pm on 9/12 after making any additional, final changes.

Please confirm whether Plaintiffs agree to the above.

Thank you,

Kathleen

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Monday, September 9, 2024 7:47 PM

To: Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Hartnett, Kathleen <khartnett@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

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Subject: Kadrey v. Meta: Briefing Schedules

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Counsel,

We write to continue the dialogue about briefing schedules for the four joint discovery motions that are due this week.

(1) Meta's Motion to Compel Responses to Certain Discovery Requests

- Due 9/10.
- Plaintiffs' proposal: Plaintiffs to circulate a draft at 3pm tomorrow. Meta may make substantive changes to its statement in response to Plaintiffs' statement or file on Tuesday upon receipt. If Meta intends to make changes, it will so inform Plaintiffs by 4pm on 9/10 and provide any substantive changes by 6pm. Plaintiff reserves the right to make substantive changes in light thereof. Meta will file with consent from Plaintiffs.

(2) Plaintiffs' Motion re Depo Limits, (3) Meta's Motion re RFP 1, and (4) Meta's Motion re Additional Correspondence with Mr. Heldrup Regarding the Subject Communications

- Due 9/12.
- Plaintiffs proposal: The parties will simultaneously exchange draft statements at 7pm on 9/11. The parties will simultaneously exchange revised statements at 4pm on 9/12. Both parties reserve the right to make substantive changes in response to either party's revised statement, and they will state their intent to do so by 5pm on 9/12.
- Plaintiffs will file (2) before midnight with consent from Meta.
- Meta will file (3) and (4) before midnight with consent from Plaintiffs.

We look forward to your response.

Thank you,
Holden

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